

THIS IS EXHIBIT " HH" TO THE AFFIDAVIT OF
BLAISE CHEVALIER , SWORN ON THE 2nd DAY OF
APRIL, 2024.

A COMMISSIONER, ETC.

**Linda Marie Kalp, a Commissioner, etc.
Province of Ontario, for the
Municipality of Chatham-Kent.
Expires August 31, 2026.**

October 26, 2021

Jack Carello
Manager Utilities and Flagging
Engineering - Eastern & Western Region
1290 Central Parkway West, Suite 800
Mississauga, ON L5C 4R3

Dear Jack:

Re: Shaw Branch of Facey Drain – Zone Road 2 Bothwell – CP Mail /- 47.59 Windsor Sub.

This is in response to your email of July 6, 2021, advising of your position that CP requires an agreement to cover the pipe installation and maintenance, and that you will not pay any expenses related to this.

Section 26 of the *Drainage Act* requires a public utility to be assessed for and pay all the increase of cost of the drainage works. The definition of public utility includes a railway:

“public utility” means a person having jurisdiction over any water works, gas works, electric heat, light and power works, telegraph and telephone lines, **railways however operated**, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences; (“services publics”)

You have been served with notice, you participated in the meeting of December 14, 2020, and Mr. Lemelin of CP attended the site meeting of February 3, 2021.

The engineer finalized his report and it was emailed with Notice of the Consideration meeting on March 16, 2021.

CP has always paid this in the past and there has been no change in the legislation.

Your position is contrary to the legislation and past practice and it is delaying this drainage work. Please confirm that you will bear the legislated costs of this project.

Brigan Barlow
Manager, Drainage Services

THIS IS EXHIBIT " II TO THE AFFIDAVIT OF
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Expires August 31, 2026.**



Jack Carello
Manager Utilities and Flagging,
Engineering

T (905) 803 3417
E Jack_Carello@cpr.ca

November 26, 2021

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Drainage Department
315 King Street West
PO Box 640 Chatham, Ontario
N7M 5K8

RE: Shaw Branch of Facey Drain – Zone Road 2 Bothwell – CP Mail +/- 47.59 Windsor Subd.

Attn: Brigian Barlow

Dear sir,

CP is in receipt of your letter dated October 26, 2021. By way of response to your letter CP has the following comments.

Along CP's rail operating corridor the Windsor Subdivision line, and through the balance of our network, CP maintains its own drainage infrastructure. CP's existing drainage infrastructure includes CP owned and maintained ditches, culverts, stormwater ponds in addition to the permeable nature of our right of way (which allows water to drain directly into the water table). CP's drainage system is designed to handle all water generated on our right of way.

While CP does not have any technical objections to the Facey drain system, and CP supports Chatham-Kent's advancement of this work at its cost, CP sees no benefit to our operations in maintaining a second, and therefore redundant, drainage system. On the contrary, CP's practice is to manage surface water on our own property and not to rely on drainage systems of third parties. CP notes we are not flowing water into, along or out of the proposed drain system. The proposed drain system is not necessary to support CP's operations and offers CP no benefit. CP believes the true beneficiaries of the proposed drainage system are the adjacent and proximate landowners between the origin and terminus, not CP.

CP believes that the correct reading of the reference to 'railways' in section 26 of the *Drainage Act* (Ontario), would be provincial railways that are wholly within the Province of Ontario. CP is an interprovincial, Class 1 railway that connects Ontario with the rest of the Country together with the continental US. CP disagrees that section 26 of the *Drainage Act* (Ontario) authorizes Chatham-Kent to assess costs for the Facey drain, where section 101 of the *Canada Transportation Act* has already synthesized the resolution of cost disputes where federal railway lands are involved.

While CP does not have any technical objections to the proposed works, Chatham-Kent in its capacity as proponent, should be responsible for the installation and operational costs of this new drainage installation. By way of next steps, CP can prepare it's standard pipe crossing

agreement for the Municipality execution in order to proceed with this installaiton, and access to the railway right of way.

Best regards,



Jack Carello, Civil Eng. Tech, SR/WA
Manager Utilities & Flagging
Engineering - Eastern & Western Region
750 Runnymede Road – 2nd Floor
Toronto, ON M6N 3V4
905-803-3417 C 416-992-2676

THIS IS EXHIBIT " JJ" TO THE AFFIDAVIT OF
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Emily Crawford

From: Derek Basso <Derek.Basso@cn.ca>
Sent: May 4, 2017 4:11 PM
To: John M Spriet; Blaise Chevalier
Subject: RE: Municipal Drain - Archer

Roughly \$15,000.00 for flagging costs to be incorporated.

Thanks
Derek



Derek Basso
Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 1B9
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Thursday, May 04, 2017 4:09 PM
To: Derek Basso <Derek.Basso@cn.ca>; Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek
Assuming it goes smoothly, we would need two weeks from start to finish
Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Tuesday, May 2, 2017 12:15 PM
To: John M Spriet <john@spriet.ca>; Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

John;

Provide the duration of the pipe ramming so I can estimate the costs for flagging. Was geotechnical review incorporated into the \$110,000.00?

Derek



Derek Basso

1 Administration Road, Concord, ON, L4K 1B9

O - 905-669-3184

F - 905-760-3406

E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]

Sent: Tuesday, May 02, 2017 8:40 AM

To: Derek Basso <Derek.Basso@cn.ca>; Blaise Chevalier <blaisec@chatham-kent.ca>

Subject: RE: Municipal Drain - Archer

Hi Derek

Have you had a chance to review this?

Let me know

Thanks

John

From: John M Spriet

Sent: Friday, April 21, 2017 11:24 AM

To: Derek Basso <derek.basso@cn.ca>; Blaise Chevalier <blaisec@chatham-kent.ca>

Subject: Re: Municipal Drain - Archer

Hi Derek

We have based this price on a 24 hr working window from the time when you cut the tracks

Regards

John

From: Derek Basso <derek.basso@cn.ca>

Sent: Friday, April 21, 2017 11:20 AM

Subject: RE: Municipal Drain - Archer

To: John M Spriet <john@spriet.ca>, Blaise Chevalier <blaisec@chatham-kent.ca>

John;

Sorry for the delay I am working with our track crews to determine availability.

Do you know the duration you would require for this open cut (how many days of down time)

Thanks

Derek



Derek Basso

1 Administration Road, Concord, ON, L4K 1B9
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Monday, April 10, 2017 9:52 AM
To: Derek Basso <Derek.Basso@cn.ca>; Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

We spoke with a couple contractors to obtain a price for open cut of the railway. We estimate the costs for open cut to be approx. \$65 to 70k. This would include the following

- Supply of pipe
- Supply and Installation of backfill materials
- Rip-Rap
- Material Testing
- Engineering

We understand that this method does not require settlement monitoring or additional review by Golder's in Toronto and as such is not included in the price

Please let me know what you decide

Regards

John Spriet

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Monday, February 13, 2017 8:32 AM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

John;

Would I be able to obtain a updated cost estimate for open cut?

From here I can gauge which method CN will be going with.

Derek



Derek Basso
Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

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O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Sunday, February 12, 2017 11:32 AM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek
Any word on your end about this crossing ?
Let me know
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Wednesday, January 4, 2017 8:27 AM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Thanks John, I will see what can be coordinated on my end and let you know!

Derek



Derek Basso
Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Tuesday, January 03, 2017 4:58 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Okay I wasn't sure if you did that. If the municipality did the work , they would require 24hrs from the time the tracks were removed to replacement .

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Tuesday, January 3, 2017 4:52 PM
To: John M Spriet <john@spriet.ca>
Subject: RE: Municipal Drain - Archer

Hmm let's see, CN would not be performing the installation, we would have your crews perform that, however we would remove the tracks in order to complete the installation of the 22m of 762mm Steel Pipe under the tracks. The only part CN would conduct would be the removal and reinstatement of the tracks.

Have I misunderstood the scope of this?

Derek



Derek Basso
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Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Tuesday, January 03, 2017 4:47 PM
To: Derek Basso <Derek.Basso@cn.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

From my end if you performed the open cut I would not need any time working under the tracks. The proposed crossing would terminate into an open ditch on either side of the pipe. There would be a small amount of ditching work at the each end of the crossings which are the near the limits of railway property lines

Make sense?

Regards

John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Tuesday, January 3, 2017 4:41 PM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

John;

Would you be able to let me know if an open cut is conducted how long the installation on your end would take from start to finish? If you can provide a hour duration I can obtain the block.

Thanks
Derek



Derek Basso
Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Tuesday, January 03, 2017 4:36 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek
I expect construction would take place in the Fall 2017 .
Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Tuesday, January 3, 2017 8:39 AM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Thanks John;

When you require an answer from CN to determine if an open cut can be performed for this work? I need to know the anticipated construction timing for this work.

Derek



Derek Basso
Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Friday, December 30, 2016 5:39 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

We estimate the pipe ramming to cost approx. \$110,000 . This does not include the cost of flagging. The railway will be billed late 2017 early 2018

Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Monday, December 5, 2016 3:11 PM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Please forward over, as well which year CN will be billed.

Thanks
Derek



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Design and Construction

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O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Monday, December 05, 2016 9:43 AM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: Fwd: Municipal Drain - Archer

Hi Derek

Find attached our engineering drawings . I have a cost estimate for pipe ramming which I will find an forwards to you
Regards
John

Emily Crawford

From: John M Spriet <john@spriet.ca>
Sent: March 20, 2024 2:59 PM
To: Blaise Chevalier
Subject: FW: Municipal Drain - Archer

From: Derek Basso <Derek.Basso@cn.ca>
Sent: Wednesday, November 1, 2017 1:41 PM
To: John M Spriet <john@spriet.ca>
Subject: Re: Municipal Drain - Archer

For billing is this in 2018 or 2019, just budgeting at the moment

Sent from my iPhone

On Nov 1, 2017, at 1:39 PM, John M Spriet <john@spriet.ca> wrote:

Hi Derek
Yes the intent is to construct this in 2018
Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Wednesday, November 1, 2017 1:32 PM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

John,

Thank you for the update.

This is still for the 2018 year correct?

Derek

<[image001.gif](#)>

Derek Basso

Public Works Officer | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 1B9
O - 905-669-3373

F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Wednesday, November 01, 2017 1:27 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

The Zoldos drain is the Archer Drain, we changed the name as there are too many Archer drains in the municipality. The cost did increase from \$125,000 to \$136,000 due to an increase in construction costs including supply and installation of the pipe. This of course is an estimate and this work will be eventually tendered by the Chatham Kent

Hope this helps
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Wednesday, November 1, 2017 11:35 AM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

John;

I received a new report from Chatham Kent, with respect to Zsoldos Drain, and his has the Archer drain as a appendix and states CN is on the hook for more money than discuss with the Archer Drain.

Would you guys be able to enlighten CN as soon as possible as to the Zsoldos drain?

Derek

<image001.gif>

Derek Basso

Public Works Officer | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 1B9

O - 905-669-3373
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Wednesday, June 21, 2017 3:39 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

Find attached the revised drawing which provides the details you requested below. We are planning to finalize the report in the next week or so, if you have any additional comments please let me know

Regards

John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]

Sent: Tuesday, May 9, 2017 2:47 PM

To: John M Spriet <john@spriet.ca>

Subject: RE: Municipal Drain - Archer

John;

That is correct.

Thanks

Derek

<image001.gif>

Derek Basso

Engineering Technician | Eastern Canada Division of Engineering
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1 Administration Road, Concord, ON, L4K 1B9

O - 905-669-3184

F - 905-760-3406

E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]

Sent: Tuesday, May 09, 2017 2:37 PM

To: Derek Basso <Derek.Basso@cn.ca>

Subject: RE: Municipal Drain - Archer

Hi Derek

We can add these notes and details no problem. Does this mean that we are doing the Pipe Ramming option?

Let me know

John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]

Sent: Tuesday, May 9, 2017 1:41 PM

To: John M Spriet <john@spriet.ca>

Cc: Blaise Chevalier <blaisec@chatham-kent.ca>

Subject: RE: Municipal Drain - Archer

Importance: High

John;

Just reviewing the drawing a couple comments and concerns related to the drawing that will need to be updated:

The following information is required on the application drawing:

- ❑ Dimension width of CN right-of-way.
- ❑ Indicate location of proposed jacking and receiving pits in relation to the gauge side (inside) of nearest rail.
- ❑ Include a caption stating "Construction and maintenance to be in accordance with Transport Canada Standards Respecting Pipeline Crossings Under Railways."
- ❑ Professional Engineer's stamp, date and signature required.

NOTE: The nearest point at which excavation can be undertaken, is as follows:

Starting ten (10) feet from the gauge side (inside) of the nearest rail, measured perpendicular to the rail, calculate a slope to the bottom of the proposed pipe at a 1.5:1 slope. If a 1.5:1 slope cannot be maintained or more restrictive conditions occur, approved shoring will be required.

Additional requirements for **underground** crossing application drawings:

- ❑ Minimum depth of burial below base of rail is 1.68 m Main Tracks. (provide measurement)

If you can please send me updated drawings reflecting these I will begin the Geotechnical review phase of the installation.

Thanks
Derek

<image001.gif>

Derek Basso

Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

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O - 905-669-3184

F - 905-760-3406

E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]

Sent: Tuesday, May 09, 2017 1:26 PM

To: Derek Basso <Derek.Basso@cn.ca>

Cc: Blaise Chevalier <blaisec@chatham-kent.ca>

Subject: RE: Municipal Drain - Archer

Hi Derek
Do you require anything else from me?
Let me know
Thanks
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Roughly \$15,000.00 for flagging costs to be incorporated.

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<image001.gif>

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<image001.gif>

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Would I be able to obtain a updated cost estimate for open cut?

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<image001.gif>

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Subject: RE: Municipal Drain - Archer

Hi Derek

From my end if you performed the open cut I would not need any time working under the tracks. The proposed crossing would terminate into an open ditch on either side of the pipe. There would be a small amount of ditching work at the each end of the crossings which are the near the limits of railway property lines

Make sense?

Regards

John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]

Sent: Tuesday, January 3, 2017 4:41 PM

To: John M Spriet <john@spriet.ca>

Cc: Blaise Chevalier <blaisec@chatham-kent.ca>

Subject: RE: Municipal Drain - Archer

John;

Would you be able to let me know if an open cut is conducted how long the installation on your end would take from start to finish? If you can provide a hour duration I can obtain the block.

Thanks
Derek

<image001.gif>

Derek Basso

Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Tuesday, January 03, 2017 4:36 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek
I expect construction would take place in the Fall 2017 .
Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Tuesday, January 3, 2017 8:39 AM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Thanks John;

When you require an answer from CN to determine if an open cut can be performed for this work? I need to know the anticipated construction timing for this work.

Derek

<image001.gif>

Derek Basso

Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Friday, December 30, 2016 5:39 PM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Hi Derek

We estimate the pipe ramming to cost approx. \$110,000 . This does not include the cost of flagging. The railway will be billed late 2017 early 2018

Regards
John

From: Derek Basso [<mailto:Derek.Basso@cn.ca>]
Sent: Monday, December 5, 2016 3:11 PM
To: John M Spriet <john@spriet.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: RE: Municipal Drain - Archer

Please forward over, as well which year CN will be billed.

Thanks
Derek

<image001.gif>

Derek Basso

Engineering Technician | Eastern Canada Division of Engineering
Design and Construction

1 Administration Road, Concord, ON, L4K 2R8
O - 905-669-3184
F - 905-760-3406
E - Derek.Basso@cn.ca

From: John M Spriet [<mailto:john@spriet.ca>]
Sent: Monday, December 05, 2016 9:43 AM
To: Derek Basso <Derek.Basso@cn.ca>
Cc: Blaise Chevalier <blaisec@chatham-kent.ca>
Subject: Fwd: Municipal Drain - Archer

Hi Derek

Find attached our engineering drawings . I have a cost estimate for pipe ramming which I will find an forwards to you

Regards
John

Emily Crawford

From: Derek Basso <Derek.Basso@cn.ca> on behalf of GLD-Permits <permits.gld@cn.ca>
Sent: November 8, 2019 9:12 AM
To: Blaise Chevalier; Brandon Widner
Cc: John M Spriet; Spencer Clarke; Peter -; Ann Ford
Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48
Attachments: 19122004-1970-L03 Nov 6 19 Geo Rvw CN - Zsoldos Drain.pdf

Blaise;

Find attached the most recent comments from Golder Associates.

Please provide comments in return to their attached letter.



Derek Basso

Officer Public Works, Design and Construction | Eastern
Canada Division of Engineering
T: 905-669-3373 | C: 416-574-4319

Celebrating 100 years | Célébrons nos 100 ans

From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: Wednesday, August 14, 2019 9:43 AM
To: Brandon Widner <brandon@spriet.on.ca>; Derek Basso <derek.basso@cn.ca>
Cc: John M Spriet <john@spriet.ca>; Spencer Clarke <s.clarke@clarketrenchless.ca>; Peter - <peter@clarkegroupontario.ca>; Ann Ford <ANNF@chatham-kent.ca>
Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48

Hi Derek,

Just doing a status check - any idea on when we might see a permit back or additional comments (if necessary)?

Trying to get materials and equipment organized.

Thanks,

Sent with BlackBerry Work
(www.blackberry.com)

From: Brandon Widner <brandon@spriet.on.ca>
Date: Tuesday, Aug 06, 2019, 5:13 PM
To: Derek Basso <Derek.Basso@cn.ca>, Blaise Chevalier <blaisec@chatham-kent.ca>
Cc: John M Spriet <john@spriet.ca>, Spencer Clarke <s.clarke@clarketrenchless.ca>, Peter - <peter@clarkegroupontario.ca>, Ann Ford <ANNF@chatham-kent.ca>
Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48

Derek

Please see attached the comments from Golder's London in response to the comments you provided, as well as an updated drawing

Please let me know if you require anything else as we would like to construct this during the summer while conditions are ideal

Thanks

Brandon Widner

P.Eng

Spriet Associates Architects and Consulting Engineers

155 York St. - London, ON - N6A 1A8

phone: 672.4100

fax: 433.9351

brandon@spriet.on.ca

www.spriet.on.ca

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From: Derek Basso [mailto:Derek.Basso@cn.ca]

Sent: Thursday, July 11, 2019 8:58 AM

To: Blaise Chevalier; Brandon Widner

Cc: John M Spriet; Spencer Clarke; Peter -; Ann Ford; Derek Basso

Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48

Importance: High

Blaise;

Find attached the most recent comments from Golder, please review as soon as possible and provide comments in return.

Any questions please give me a call.

Thanks

Derek

Derek Basso



Officer Public Works, Design and Construction | Eastern
Canada Division of Engineering
T: 905-669-3373 | C: 416-574-4319
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From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: Tuesday, July 09, 2019 3:51 PM
To: Brandon Widner <brandon@spriet.on.ca>; Derek Basso <derek.basso@cn.ca>
Cc: John M Spriet <john@spriet.ca>; Spencer Clarke <s.clarke@clarketrenchless.ca>; Peter - <peter@clarkegroupontario.ca>; Ann Ford <ANNF@chatham-kent.ca>
Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48

Good afternoon Derek,

Please find attached copy of Clarke's insurance certificate.

Is there an approximate timeline for permit processing? Given the very dry weather we've (finally) been experiencing, this makes for ideal working conditions and minimizes any risks in the poor soils out there.

Clarke's are prepared to proceed with construction as soon as possible.

Please advise if there's any additional information myself or Spencer (Clarke's) need to provide.

Thanks,

Sent with BlackBerry Work
(www.blackberry.com)

From: Brandon Widner <brandon@spriet.on.ca>
Date: Tuesday, Jun 25, 2019, 4:04 PM
To: Derek Basso <Derek.Basso@cn.ca>, Blaise Chevalier <blaisec@chatham-kent.ca>
Cc: John M Spriet <john@spriet.ca>, Spencer Clarke <s.clarke@clarketrenchless.ca>, Peter - <peter@clarkegroupontario.ca>, Ann Ford <ANNF@chatham-kent.ca>
Subject: RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48

Derek

The drawings are similar to the other projects we have completed with you as well as the soils report which is included in the report.

As for the anticipated cost, the assessment on this project to CN is estimated at \$176512.00, I believe this will most likely be billed later this year or early next year in 2020.

We will have Clarke's provide the appropriate insurance certificate

If you have any questions or require anything further just let Blaise or myself know.

Thanks

Brandon Widner

P.Eng

Spriet Associates Architects and Consulting Engineers

155 York St. - London, ON - N6A 1A8

phone: 672.4100

fax: 433.9351

brandon@spriet.on.cawww.spriet.on.ca

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From: Derek Basso [<mailto:Derek.Basso@cn.ca>]**Sent:** Tuesday, June 25, 2019 1:23 PM**To:** Blaise Chevalier**Cc:** Brandon Widner; John M Spriet; Spencer Clarke; Peter -; Ann Ford; Derek Basso**Subject:** RE: Zsoldos Drain: Work Permit Application - UGP-CHM-38.48**Importance:** High

Frank;

Thank you for the update on the above noted drain. Prior to my review I would ask that you review the attached requirements.

Please ensure that the drawings match the standards and your geotechnical report matches our checklist.

If you can also provide CN's anticipated costs for this project and the year in which CN will be charged.

Thank you
Derek

**Derek Basso**

Officer Public Works, Design and Construction | Eastern
Canada Division of Engineering

T: 905-669-3373 | C: 416-574-4319

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From: Blaise Chevalier <blaissec@chatham-kent.ca>**Sent:** Tuesday, June 25, 2019 10:23 AM

To: Derek Basso <Derek.Basso@cn.ca>

Cc: Brandon Widner <brandon@spriet.on.ca>; John M Spriet <john@spriet.ca>; Spencer Clarke <s.clarke@clarketrenchless.ca>; Peter - <peter@clarkegroupontario.ca>; Ann Ford <ANNF@chatham-kent.ca>

Subject: Zsoldos Drain: Work Permit Application

Good morning Derek,

After some lengthy delays from the Conservation Authority, this project has finally been approved without any changes. Given the known unstable soil conditions (as per the Golder soils investigations) we have at this location coupled with the extremely high water table this spring, our intention is to complete this work during dry mid-summer conditions. We are in a position to start construction by mid-July.

Clarke Construction Inc. will be the General Contractor and Permit Applicant – I've cc'd Spencer Clarke to this e-mail, he will be their contact.

Please advise if you require additional information.

Thanks,

Blaise Chevalier

Drainage Superintendent

Drainage, Asset and Waste Management

Municipality of Chatham-Kent

315 King St. West, PO Box 640

Chatham, ON N7M 5K8

Phone: 519.360.1998 Ext. 3318 Fax: 519.436.3240

E-mail: blaisec@chatham-kent.ca

www.chatham-kent.ca



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From: Spencer Clarke <s.clarke@clarketrenchless.ca>

Sent: June 25, 2019 9:39 AM

To: Blaise Chevalier <blaisec@chatham-kent.ca>

Cc: Peter - <peter@clarkegroupontario.ca>

Subject: Re: Zsoldos Drain: Main Drain Portion

Hey Blaise,

Heres the completed forms and attached documents if you would like to forward on to CN .

> On Jun 21, 2019, at 10:34 AM, Blaise Chevalier <blaisec@chatham-kent.ca> wrote:

>

> <Zsoldos Drain Profile & Details Aug 16, 2017.pdf>

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November 6, 2019

Project No. 19122004-1970-L03

Mr. Michael Vallins, P.Eng., Manager Public Works

Canadian National Railway Company
Design & Construction Eastern Region
1 Administration Road
P.O. Box 1000
Concord ON L4K 1B9

**GEOTECHNICAL REVIEW - ZSOLDOS DRAIN UNDERCROSSING
CANADIAN NATIONAL RAILWAY, MILE 38.49, STRATHROY SUBDIVISION
BOTHWELL, ONTARIO**

Dear Mr. Vallins:

This letter provides a summary of our continuing review of the geotechnical aspects of the information provided pertaining to the proposed Zsoldos Drain undercrossing the Canadian National (CN) Railway right-of-way near Bothwell, Ontario.

The following documents were provided for Golder's review:

- Drawing 3 of 3 titled "CN Crossing" prepared by Spriet Associates Limited (Spriet), revised August 27, 2019.
- Letter titled "CNR Undercrossing, Zsoldos / Archer Drain, Municipality of Chatham-Kent, Ontario, Response to CN Comments" prepared by Golder, dated October 2, 2019.
- Document titled "Zsoldos Bore" prepared by Clarke Trenchless (Clarke), dated September 9, 2019.
- Document titled "Key Personnel Qualifications and Equipment List", prepared by Clarke, dated January 1, 2019.

Based on our review of the documents, we have the following comments:

- 1) The zone of influence as shown by 3 m from the rail line and downward at a 1.5H:1V slope, should extend 3 m from the railway elevation downward, rather than from the embankment slope downward. The shaft excavations should be maintained outside this distance.
- 2) Although the plan view on Drawing 3 is not clear and differs from the updated Profile B-B, we understand from Golder's response letter dated July 29, 2019, that the "shafts" will not cut into the toes of the existing rail embankment. Please confirm how the front face of the shafts will be constructed (i.e. open cut or vertically shored) and provide details for protection of the railway embankment during construction.

- 3) As indicated in the geotechnical investigation report, excavations for shaft construction will extend through compact sand, 1.0 m to 1.2 m below the groundwater level at the site and recommended "pumping from sumps and vacuum well points, if required" for groundwater control. The Contractors work plan only discusses gravity drainage and sump pumping. Please provide a contingency plan for higher groundwater dewatering volumes as the sand is a very permeable stratum.
- 4) Further to comment above, the contingency plans note that if heave or settlement occurs, the soil inside the casing will be removed to leave either a 1 m or 2 m soil plug only. Section 5.1.2 of the geotechnical report states that "partial or full removal of materials from within the pipe should not be permitted at any time until the lead end of the casing reaches the receiving pit". Please comment on the length of the soil plug as far as the groundwater level in the sand is concerned and the recommendations in the geotechnical report.

We trust that this letter adequately summarizes the results of our review of the geotechnical components of the proposed undercrossing. If any point requires further clarification, or when additional information on this undercrossing is available for review, please contact our office.

Yours truly,

Golder Associates Ltd.



Anastasia Poliacik, P.Eng.
Geotechnical Engineer



Sarah E.M. Poot, P.Eng.
Associate, Senior Geotechnical Engineer

AMP/SEMP/cr

[https://golderassociates.sharepoint.com/sites/108131/ph/1970upgchm/19150 zsoldos drain/3-ltrs/03/19122004-1970-03 nov 6 19 geo rvw cn - zsoldos drain.docx](https://golderassociates.sharepoint.com/sites/108131/ph/1970upgchm/19150%20solds%20drain/3-ltrs/03/19122004-1970-03%20nov%206%2019%20geo%20rvw%20cn%20-%20solds%20drain.docx)